

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:09CR23**

**UNITED STATES OF AMERICA**

**VS.**

**PERRY ROGER SHIPPY**  
\_\_\_\_\_

)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

**THIS MATTER** is before the Court on Defendant's *pro se* motion for a separate trial.

As previously stated by the Court, because the Defendant is currently represented by counsel, his *pro se* motion will be summarily denied.

***United States v. D'Amario*, 2008 WL 624768 at \*1, 2008 U.S. App.**

**LEXIS 5079 at \*4 (3d Cir. 2008) (holding that district courts are not**

**obligated to consider *pro se* motions from a defendant who is**

**represented by counsel because "[t]he Constitution does not confer a**

**right to proceed simultaneously by counsel and *pro se*"); see also,**

**Order, filed May 12, 2009, at 1-2.** Again, the Defendant is instructed to

communicate with the Court only through his attorney.

**IT IS, THEREFORE, ORDERED** that Defendant's *pro se* motion for a separate trial is hereby **DENIED**.

Signed: May 19, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

